



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5720  
Ser BPMOW.rdc/001  
January 2, 2020

Mr. Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility  
962 Wayne Avenue, Suite 610  
Silver Spring, MD 20910

Dear Mr. Ruch:

This letter responds to your Freedom of Information Act (FOIA) request of November 29, 2018 in which you seek the following:

- 1) Records reflecting the current radiological remediation standard to be applied to the radiological remediation of Site 12 and the other radiologically impacted areas of the island yet to be remediated;
- 2) Communications related to the Navy's commitment to the City of San Francisco and/or the Treasure Island Redevelopment Authority to remediate Site 12 and other radiologically impacted areas of the island to "free release" levels – i.e., levels allowing for unrestricted use of the land, from the period January 1, 2012 to present;
- 3) Any analysis as to whether "free release" can or cannot be achieved in any of the remaining radiologically impacted areas of the island, including Site 12; and
- 4) Documents and communications related to protective measures currently proposed to ensure there is no continuing risk to human health and the environment from exposure to the radiological isotopes found to at Treasure Island in the event that not all areas are remediated to "free release" levels.

Your request was received by this office on November 29, 2018 and assigned file number DON-Navy-2019-001660. Responsive records were provided to you on January 11, 2019, August 8, 2019 and November 5, 2019. This letter is the final response to your request, and provides one (1) additional responsive record to your request.

During our search, we examined the files maintained by our office and NAVFAC Administrative Record as responsive to your request. A total of four (4) additional responsive records were located during our search. One (1) of these records is provided via FOIA Online and is partially exempt from disclosure under Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)) which protects "trade secrets and commercial or financial information obtained from a person that is privileged or confidential". Redaction of this information affords protection to those submitters who are required to furnish commercial or financial information to the government by safeguarding them from the competitive disadvantages that could result from disclosure. The information redacted under this exemption was clearly marked as being proprietary and confidential trade secret information and consists of Work Instructions describing proprietary methods of performing radiological surveys used by a contractor and not responsive to the request. The redacted pages have been removed from the record and the remainder is released to you.

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Two (2) records were located in publicly available records held by the Nuclear Regulatory Commission on the Agencywide Documents Access and Management System (ADAMS) website <https://adams.nrc.gov/wba/>. The records can be located as Accession Numbers "ML18309A60" and "ML18309A61".

One (1) record was located that is exempt in its entirety from disclosure under Exemption 5 of the FOIA (5 U.S.C. § 552(b)(5)) which protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency". Release of this memorandum could cause harm to the Navy's deliberations by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process. Although portions of the exempt memorandum could be considered factual, such information is inextricably intertwined with deliberative material, or fragmented and uninformative, and has therefore been withheld from release.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA Online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000


Your appeal, if any, must be transmitted (if appealing by FOIA Online) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [Christopher.A.Julka@navy.mil](mailto:Christopher.A.Julka@navy.mil) or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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Any questions concerning this matter should be directed to Ms. Sarah Ann Moore who may be contacted at [sarah.moore@navy.mil](mailto:sarah.moore@navy.mil) or 619-524-5727.

Sincerely,



KIMBERLY A. OSTROWSKI  
Director